

REMARKS

Claims 1-2, and 4-37 are presently pending. Claims 3 and 38-63 have been canceled without prejudice.

Independent claims 1 and 22, among other claims, were rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,758,259 ("Lawler"). Assignee respectfully contends that Lawler does not explicitly or inherently anticipate the pending claims.

With regard to the anticipation rejections, MPEP 2131 states, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). MPEP 2131 also states, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Present claim 1 recites, among other features, that "the distribution unit is adapted to independently transmit on-demand a requested multimedia channel and an associated requested corresponding bandwidth to each of the plurality of STBs." Assignee respectfully maintains that Lawler does not disclose a requested corresponding bandwidth.

Examiner cited a passage in Lawler relating to "video programming of substantially any duration ranging from individual image frames and brief video clips to full-length motion pictures." (Office Action, Page 3 (citing Lawler Col.10, lines 53-58)). Assignee contends that Lawler fails to disclose a bandwidth request simply by teaching that video programming of varying duration may be stored or transmitted. The server of Lawler is free to choose any bandwidth for storing or transmitting the programming, as opposed to responding to a bandwidth request. Indeed, Lawler makes no explicit reference to selecting bandwidth.

Examiner has also stated that "Col. 5 Lines 11-15, requested still image, video clip play in the preview area of full motion picture in the full screen all have associated corresponding bandwidth, full motion picture in full screen requires much higher bandwidth than video clip in the smaller preview area; Col 3 line 63 – Col. 4 line 26,

requested analog or digital television channel or digital message all have associated corresponding bandwidth”.

Assignee respectfully traverses the rejection because Lawler, including the foregoing, does not teach “to independently transmit on-demand a requested multimedia channel and an associated requested corresponding bandwidth to each of the plurality of STBs”. For at least this reason, Assignee respectfully contends that independent claim 1 is allowable. Rejected claims 4, 8-10, 13, 18 and 20 depend directly or indirectly from allowable claim 1 and are thus similarly allowable.

Present claim 22 recites “a processor for processing and independently managing channel requests, bandwidth requests, and multimedia channel information.” As discussed above, Lawler does not disclose bandwidth requests. For at least this reason, Assignee respectfully contends that independent claim 22 is allowable. Claims 23-37 depend directly or indirectly from allowable claim 22 and are thus similarly allowable.

In general, the Office Action makes various statements regarding the claims and the cited references that are now moot in light of the above. Thus, Assignee will not address such statements at the present time. However, Assignee expressly reserves the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

For at least the foregoing reasons, the pending claims are in a condition for allowance. Examiner is requested to enter the amendments and pass this case to issuance.

The Commissioner is authorized to charge any additional necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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Date: September 2, 2008

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